

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORDOS CITY HAWTAI AUTOBODY
COMPANY, LTD, ET AL.,

Plaintiffs,

No. 13-14909

v.

District Judge Sean F. Cox
Magistrate Judge R. Steven Whalen

DIMOND RIGGING COMPANY, LLC,
D/B/A ABSOLUTE RIGGING &
MILLWRIGHTS,

Defendant.

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ORDER DENYING RECONSIDERATION

On April 21, 2015, I entered an order [Doc. #93] granting in part and denying in part Plaintiffs' motion for sanction based on discovery abuses. In that order, I denied the extreme sanction of a default judgment, and instead sanctioned Defendant's attorney in the amount of \$500. Before the Court is Defendant's motion for reconsideration [Doc. #94] of my April 21, 2015 order.

Motions for reconsideration are subject to E.D. Mich. L.R. 7.1(g)(3), which provides:

“(3) *Grounds*. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.”

In my order imposing monetary sanctions, I referenced Defendant's deficient discovery responses regarding the production of his tax returns and insurance policies, matters that the Plaintiffs specifically raised in their motion for sanctions. However,

Defendant did not file a response to that motion. Rather, Defendant now raises arguments that could have been, and should have been raised when the motion was before me. And notwithstanding the failure to respond to the original motion, I imposed a sanction that was significantly less severe than that requested by the Plaintiff. The Defendant's protestations come too late. Moreover, viewing Defendant's motion for reconsideration along with the Plaintiff's response [Doc. #99], I can identify no "palpable defect by which the court and the parties have been misled."

Accordingly, Defendant's motion for reconsideration [Doc. #94] is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 15, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the
Honorable R. Steven Whalen